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			PACHURA, REBECCA L	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Application No. Applicant(s) 10/528.678 BELL, DAVID A. Office Action Summary Art Unit Examiner Rebecca L. Pachura 2436 -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS. WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on 08 August 2008. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-10.12 and 14-20 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) \_\_\_\_\_ is/are allowed. 6) Claim(s) 1-10.12 and 14-20 is/are rejected. 7) Claim(s) \_\_\_\_\_ is/are objected to. 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on 21 March 2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some \* c) None of: Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). \* See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date. Notice of Draftsperson's Patent Drawing Review (PTO-948)

Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date \_\_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other:

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### DETAILED ACTION

#### Specification

 The objection to the abstract is withdrawn based on the new abstract submitted on 08/08/2008

## Claim Objections

 The objections to claims 1-6, 8-9, and 14-18 are withdrawn based on the amendments submitted on 08/08/2008. Claim 10, line 16 states "candidate persons" it should state "the candidate persons" the objection to is not withdrawn.

#### Status of Claims

3. Claims 1-10, 12, and 14-20 are pending in this Office Action.

Claims 1-6, 8-10, and 14-20 are amended.

Claims 11 and 13 are canceled.

## Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 1, 14, and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 14, and 15 recites the limitation "the search" in line 10. There is insufficient antecedent basis for this limitation in the claim. It is unclear what search the applicant is claiming given that a search engine is claimed but no search is described.

#### Response to Arguments

 Applicant's arguments with respect to claims 1-10, 12, and 14-20 have been considered but are moot in view of the new ground(s) of rejection.

#### Applicant's Invention as claimed:

#### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 6. Claims 1-10, 12, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6038333 (Wang) (Applicant's IDS, EP 944019A2), in view of US 6035055 (Wang2), in view of US 20020047798 (Platt), and in view of US 5760917 (Sheridan).

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As to claim 1, Wang discloses (Currently Amended) apparatus (+0, +1+0, +2+0) for obtaining personal information related to a target person, comprising: a user device comprising an image acquisition device (+12, +22, +12, +122, +132, +123) for capturing an image of a target person; a database of stored image data items (+15, +25, +35, +15, +125, +135) each relating to one of a plurality of candidate persons, each image data item being associated with stored personal data (+16, +26, +36, +116, +126, +136) relating to the respective candidate person; a search engine (+18, +28, +28, +253) for matching the captured image of the target person to a candidate person image data item and retrieving the personal data relating thereto; an output device (+14, +24, +34, +114, +124, +134) for presenting, to a user, the personal data relating to the target person; and (Wang column 2, lines 20-55 and column 3, lines 53-55). Wang does not explicitly teach control means (+17, +27, +37, +17, +127, +377), operable by each candidate person, to control third party access to the stored personal data (+16, +26, +36, +116, +126, +36) relating to the candidate person and wherein the search is limited to candidate person image data items that relate to further user devices that are in the same geographical area as the user device.

However, Sheridan discloses and control means (17, 27, 37, 117, 127, 137), operable by each candidate person, to control third party access to the stored personal data (16, 26, 36, 116, 126, 136) relating to the candidate person (Sheridan column 2, lines 45-52).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Sheridan because to allow the candidate person to have control over who has access to their personal information will increase the chances that their identity will not be stolen, that they would not receive unwanted solicitation, etc (Sheridan column 2, lines 45-52).

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However, Platt discloses ,wherein the search is limited to candidate person image data items that relate to further user devices that are in the same geographical area as the user device (Platt page 2, paragraph 0024).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Platt because by limiting the search to only those of a specific area then time is not wasted comparing images that are not relevant to the query (Platt page 2, paragraph 0016).

As to claim 2, the modified Wang discloses (Currently Amended) the apparatus of claim

1. The modified Wang does not explicitly teach in which the database is a distributed database,
the candidate persons each having a portable device (11, 21, 31) for storing their own image data
items (15, 25, 35) and personal data (16, 26, 36) which may be accessed by the search engine
using a wireless communication channel (40, 41).

However, Sheridan discloses in which the database is a distributed database, the candidate persons each having a portable device (11, 21, 31) for storing their own image data items (15, 25, 35) and personal data (16, 26, 36) which may be accessed by the search engine using a wireless communication channel (40, 41) (Sheridan column 3, lines 42-50 and column 9, lines 1-8).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Sheridan because having a distributed database would increase the potential size of the data items stored (Sheridan column 3, lines 42-50 and column 9, lines 1-8).

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As to claim 3, the modified Wang discloses (Currently Amended) the apparatus of claim 2. The modified Wang does not explicitly teach in which the control means (17, 27, 37) comprises an access control function provided on each portable device (11, 21, 31).

However, Sheridan discloses in which the control means (17, 27, 37) comprises an access control function provided on each portable device (11, 21, 31) (Sheridan column 2, lines 24-30).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Sheridan because the portable device can be searched by a search engine having an access control means on each device would allow the candidate person to have control over who has access to their personal information and will increase the chances that their identity will not be stolen, that they would not receive unwanted solicitation, etc (Sheridan column 2, lines 24-30).

As to claim 4, the modified Wang discloses (Currently Amended) the apparatus of claim

1. The modified Wang does not explicitly teach in which the database includes a central repository (105, 205) accessible to a plurality of remote portable devices (111, 121, 131, 211, 221, 231) using a wireless communication channel (140, 141, 142, 240, 241, 242).

However, Wang2 discloses in which the database includes a central repository (105, 205) accessible to a plurality of remote portable devices (111, 121, 131, 211, 221, 231) using a wireless communication channel (140, 141, 142, 240, 241, 242) (Wang2 column 5, lines 7-14).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Wang2 because the speed for accessing the data in the database is greatly increased when it is centralized (Wang2 column 5, lines 7-14).

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As to claim 5, the modified Wang discloses (Currently Amended) the apparatus of claim

4. The modified Wang does not explicitly teach in which the control means is a distributed
control means (117, 127, 137), the candidate persons each having a device (111, 121, 131) for
storing their own image data items (115, 125, 135) and personal data (116, 126, 136) onto the
database and determining third party access rights thereto.

However, Sheridan discloses teach in which the control means is a distributed control means (117, 127, 137), the candidate persons each having a device (111, 121, 131) for storing their own image data items (115, 125, 135) and personal data (116, 126, 136) onto the database and determining third party access rights thereto (Sheridan column 2, lines 59-65).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Sheridan because having the control means distributed would further enhance the security of the personal data by keeping access control on data that was not on the portable device (Sheridan column 2, lines 59-65).

As to claim 6, Wang discloses (Currently Amended) a portable electronic device comprising the image acquisition device (12, 112, 212), output device (14, 24, 34, 114, 124, 134) and control means (17, 27, 37, 117, 127, 137) of claim 1 integrated into said portable electronic device (11, 21, 31, 111, 121, 131) (Wang column 8, lines 6-18).

As to claim 7, Wang discloses (Original) the apparatus of claim 6 in which the portable electronic device is any of a personal digital assistant, personal computer or mobile telephony device (Wang column 4, lines 1-10).

As to claim 8, the modified Wang discloses (Currently Amended) the apparatus of claim 6 or elaim 7. The modified Wang does not explicitly teach in which the portable electronic

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device further includes communication means (13, 23, 33, 113, 123, 133) for communication with a remotely located database (25, 26, 35, 36, 105, 205) and the search engine (253).

However, Wang2 discloses in which the portable electronic device further includes communication means (13, 23, 33, 113, 123, 133) for communication with a remotely located database (25, 26, 35, 36, 105, 205) and the search engine (253) (Wang2 column 5, lines 7-31).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Wang2 because to allow the portable electronic device to communicate with the remote database would increase the number of images from which a comparison can be made (Wang2 column 5, lines 7-31).

As to claim 9, Wang discloses (Currently Amended) the apparatus of claim 1 in which the output device is a display device (14, 24, 34, 114, 124, 134) for displaying the personal data relating to the target person (Wang column 8, lines 19-31).

As to claim 10, Wang discloses (Currently Amended) a portable device (+1, 21, 31, 111, 121, 131, 211, 221, 231) for obtaining personal information related to a target person, comprising: an image acquisition device (+12, 22, 32, 112, 122, 132, 212) for capturing an image of a target person; means (+13, 23, 33, 113, 123, 133) for accessing a remote database of stored image data items (+15, 25, 35, 115, 125, 135) each of relating to one of a plurality of candidate persons, each image data item being associated with personal data (+16, 26, 36, +116, 126, +136) relating to the respective candidate person; means for retrieving the personal data relating to a candidate person for which the captured image data of the target person matches the stored image data item of the candidate person; an output device (+14, 24, 34, +114, 124, 134) for presenting, to a user, the retrieved personal data relating to the target person; and (Wang column

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2, lines 20-55 and column 3, lines 53-55). Wang does not explicitly teach control means (47, 27, 37, 417, 127, 137) to control third party access to the database of personal data relating to a candidate person; wherein the means for accessing and the means for retrieving include a wireless communication device that is adapted to communicate with a plurality of further portable devices, the further portable devices together forming the remote database; and wherein the range of the wireless communication device limits the further portable devices that form the remote database to the geographical area of the portable device.

However, Sheridan discloses control means (17, 27, 37, 117, 127, 137) to control third party access to the database of personal data relating to a candidate person: (Sheridan column 2, lines 45-52); wherein the means for accessing and the means for retrieving include a wireless communication device (Sheridan column 3, lines 38-50) that is adapted to communicate with a plurality of further portable devices, the further portable devices together forming the remote database (Sheridan column 3, lines 42-50 and column 9, lines 1-8); and.

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Sheridan because to allow the candidate person to have control over who has access to their personal information will increase the chances that their identity will not be stolen, that they would not receive unwanted solicitation, etc (Sheridan column 2, lines 45-52) and to allow the portable device communicate with other devices would increase the potential size of the data items stored (Sheridan column 3, lines 38-50 and column 9, lines 1-8).

However, Platt discloses wherein the range of the wireless communication device limits the further portable devices that form the remote database to the geographical area of the portable device (Platt page 2, paragraph 0024).

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It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Platt because by limiting the search to only those of a specific area then time is not wasted comparing images that are not relevant to the query (Platt page 2, paragraph 0016).

As to claim 12, Wang discloses (Original) a personal digital assistant, personal computer or mobile telephony device having integrated therein the portable device of claim 10 (Wang column 4, lines 1-10).

As to claim 14, Wang discloses (Currently Amended) a system for providing personal information related to a target person, comprising: a database of stored image data items (15, 25, 35, 115, 125, 135) each relating to one of a plurality of candidate persons, each image data item being associated with personal data (16, 26, 36, 116, 126, 136) relating to the respective candidate person; means for receiving, from a remote <u>user device including an</u> image acquisition device, a captured image of a target person; a search engine (18, 28, 38, 253) for matching the captured image of the target person to a candidate person image data item and retrieving the personal data relating thereto, means for transmitting, to a remote output device (14, 24, 34, 114, 124, 134), the personal data relating to the target person; and (Wang column 2, lines 20-55 and column 3, lines 53-55). Wang does not explicitly teach control means (17, 27, 37, 117, 127, 137), operable by each candidate person, to control third party access to the stored personal data relating to the candidate person, wherein the search is limited to candidate person image data items that relate to further user devices that are in the same geographical area as the remote user device.

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However, Sheridan discloses control means (17, 27, 37, 117, 127, 137), operable by each candidate person, to control third party access to the stored personal data relating to the candidate person (Sheridan column 2, lines 45-52).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Sheridan because to allow the candidate person to have control over who has access to their personal information will increase the chances that their identity will not be stolen, that they would not receive unwanted solicitation, etc (Sheridan column 2, lines 45-52).

However, Platt discloses wherein the search is limited to candidate person image data items that relate to further user devices that are in the same geographical area as the remote user device (Platt page 2, paragraph 0024).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Platt because by limiting the search to only those of a specific area then time is not wasted comparing images that are not relevant to the query (Platt page 2, paragraph 0016).

As to claim 15, Wang discloses (Currently Amended) a method of obtaining information related to a target person, comprising the steps of: capturing an image of a target person, the image captured by a user device including an image acquisition device; supplying image data from the captured image to a database of stored image data items (15, 25, 35, 115, 125, 135) each relating to one of a plurality of candidate persons, each image data item being associated with personal data (16, 26, 36, 116, 126, 136) relating to the respective candidate person; searching the database to match the captured image of the target person with a candidate person

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image data item and retrieving the personal data relating thereto; outputting the personal data relating to the target person; and (Wang column 2, lines 20-55 and column 3, lines 53-55). Wang does not explicitly teach maintaining the database by enabling control, by each candidate person, of third party access to the personal data relating to that candidate person, wherein the search is limited to candidate person image data items that relate to further user devices that are in the same geographical area as the user device;

However, Sheridan discloses maintaining the database by enabling control, by each candidate person, of third party access to the personal data relating to that candidate person (Sheridan column 2, lines 45-52).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Sheridan because to allow the candidate person to have control over who has access to their personal information will increase the chances that their identity will not be stolen, that they would not receive unwanted solicitation, etc (Sheridan column 2, lines 45-52).

However, Platt discloses wherein the search is limited to candidate person image data items that relate to further user devices that are in the same geographical area as the user device (Platt page 2, paragraph 0024).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Platt because by limiting the search to only those of a specific area then time is not wasted comparing images that are not relevant to the query (Platt page 2, paragraph 0016).

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7. Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6038333 (Wang) (Applicant's IDS, EP 944019A2) in view of US 5760917 (Sheridan), and in view of US 20020047798 (Platt), as applied to claim 15 above, and further in view of US 6990587 (Willins).

As to claim 16, the modified Wang (Currently Amended) the A method according to claim 15. The modified Wang does not explicitly teach and further comprising of the step of attaching a digital signature to said supplied image data.

However, Willins discloses and further comprising of the step of attaching a digital signature to said supplied image data (Willins column 7, lines 4-24).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Willins because adding a digital signature or encrypting the data increases the security of the data (Willins column 7, lines 4-24).

As to claim 17, the modified Wang discloses (Currently Amended) the A method according to claim 16. The modified Wang does not explicitly teach wherein the step of outputting the personal data will not occur unless the attached digital signature is established to be valid and authentic.

However, Willins discloses wherein the step of outputting the personal data will not occur unless the attached digital signature is established to be valid and authentic (Willins column 7, lines 25-37).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Willins because to require that the signature be valid ensures that the data is coming from the right place (Willins column 7, lines 25-37).

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As to claim 18, the modified Wang discloses (Currently Amended) the A method according to claim 15. The modified Wang does not explicitly teach wherein said step of outputting personal data involves outputting encrypted personal data.

However, Willins discloses wherein said step of outputting personal data involves outputting encrypted personal data (Willins column 5, lines 48-67).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Willins because keeping the data encrypted during transmission increases the security of the transaction (Willins column 5, lines 48-67).

As to claim 19, Wang discloses a computer program product, comprising a computer readable medium having thereon computer program code means adapted, when said program is loaded onto a computing apparatus, to make the computing apparatus form the device of any one of claims 10 to 13 claim 10 (Wang column 4, lines 1-10).

As to claim 20, Wang discloses a computer program, distributable by electronic data transmission, comprising computer program code means adapted, when said program is loaded onto a computing apparatus, to make the computing apparatus form the device of any one of claims 10 to 13 claim 10 (Wang column 4, lines 1-10).

#### Remarks

Applicant has presented amendments for clarification and has canceled 2 claims.
 Applicant has made arguments for the rest of the response, see below.

#### The Applicant Argues:

Amended independent claim 1 has been amended to recite the limitations of "A user device comprising an image acquisition device... a search engine for matching the captured image of the target person to a candidate person image data item and retrieving the personal data relating thereto, wherein the search is limited to candidate person image data items that relate to further user devices that are in the same geographical area as the user device...

In response, the examiner respectfully submits:

Wang, Wang2 and Sheridan do not explicitly teach the new limitation of limiting the search to the same geographical area however, Platt does teach limiting the search to the same geographical area (Platt page 2, paragraph 0024).

### The Applicant Argues:

Having shown that in Wang, Wang2 and Sheridan, alone or in combination, fail to disclose each and every element claimed, applicant submits that the reason for the Examiner's rejection of claims 1, 10, 14 and 15 has been overcome and can no longer be sustained.

Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of claims 1, 10, 14 and 15.

In response, the examiner respectfully submits:

Claims 1, 10, 14 and 15 stand rejected please see argument above.

## The Applicant Argues:

With regard to the dependent claims 2-9, 12 and 16-20 these claims ultimately depend from one of the independent claims, which have been shown to be allowable in view of the cited references. Accordingly, claims 2-9:12 and 16-20 are also allowable by virtue of their dependence from an allowable base claim.

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In response, the examiner respectfully submits:

That given the dependent claims 2-9, 12 and 16-20 depend form rejected claims 1, 10, and 15 they also stand rejected. See argument above.

Based on the examiner's arguments claims 1-10, 12, and 14-20 are rejected under 35 U.S.C. 103(a).

#### Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this
 Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a).
 Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rebecca L. Pachura whose telephone number is (571) 270-3402. The examiner can normally be reached on Monday-Thursday 10:00 am-8:00 pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571) 272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rebecca L Pachura/ Examiner, Art Unit 2436

/Nasser G Moazzami/ Supervisory Patent Examiner, Art Unit 2436